PTO/SB/22 (12-04)
Approved for use through 07/31/2006 OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARMENT OF COMMERCE

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a)			Docket Number (Optional)		
FY 2005			47399-0037 (DOV-18-US)		
Application Number 10	e Consolidated Appropriations Act, /709 578	2005 (H.R. 4818).)			
For Phenol-Free Phos			Filed May 14, 2004		
Art Unit 1714			Evenines Cauda a V		
	ho provinieno of 27 CED 4 42		Examiner Sanders, K		
application.	he provisions of 37 CFR 1.13	o(a) to extend the peno	d for filling a reply in the	above identified	
The requested extension	n and fee are as follows (chec	k time period desired a	nd enter the appropriate	e fee below):	
		<u>Fee</u>	Small Entity Fee		
One month	1 (37 CFR 1.17(a)(1))	\$120	\$60	\$	
Two month	ns (37 CFR 1.17(a)(2))	\$450	\$225	\$	
Three mor	ths (37 CFR 1 17(a)(3))	\$1020	\$510	\$	
Four mont	hs (37 CFR 1.17(a)(4))	\$1590	\$795	\$	
Five month	ns (37 CFR 1 17(a)(5))	\$2160	\$1080	\$	
Applicant claims sm	nall entity status. See 37 CFR	1 27			
A check in the am	ount of the fee is enclosed				
	t card. Form PTO-2038 is a				
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	already been authorized to				
Deposit Account	reby authorized to charge Number _50-0983	any fees which may have	be required, or credit e enclosed a duplicat	any overpayment, to	
WARNING: Informati Provide credit card i	on on this form may become p	ublic. Credit card inform	·	• •	
I am the app	licant/inventor				
ass	ignee of record of the entir	e interest. See 37 CI	FR 3.71.		
	Statement under 37 CFR 3 orney or agent of record. Re		_ · · · · · · · · · · · · · · · · · · ·		
	rney or agent under 37 CF	_			
	Registration number if acting und				
Joens	Jet		24 September 2	007	
	Signature			Date	
Louis F. Wagner			330-258-6453		
	Typed or printed name		Teleph	one Number	
NOTE: Signatures of all the inv signature is required, see below	entors or assignees of record of the e	ntire interest or their represen	tative(s) are required Submit	multiple forms if more than one	
Total of 1		re submitted.			

This collection of information is required by 37 CFR 1 136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U S C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

IN THE UNITED STATES PATENT & TRADEMARK OFFICE						
Applicant:	Stevenson et al.	Examiner	Sanders, Kriellion Antionette			
Serial #.	10/709,578	Art Unit:	1714			
Filing Date:	14 May 2004	Date:	21 September 2007			
Title:	Phenol-Free Phosphites					

TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION OVER PRIOR PENDING PATENT APPLICATION(S)

The owner, Dover Chemical Co. Inc., of one hundred percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior applications/patents listed below.

Application Number	Filing Date	Publication Number
10/709,510	11 May 2004	US 2004/0183504 A1
10/086,619	01 March 2002	US 2003/0001136 A1

The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patents are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the Owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of the prior patents, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee; is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any disclaimer.

For	submissions	on	behalf	of	an	organization	(e.g.,	corporation,	partnership,	university,
gove	ernment agend	y, ef	tc.) the u	ınde	ersig	ned is empow	ered to	act on behalf	of the organiz	ation.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

	Chemical Corporation son et al.	S/N::10/709,578 24 September 2007 -2-
	The undersigned is an attorney or agent of record.	9/24/m7
	Signature	Date
	Louis F. Wagner	
	Typed or Printed Name	
\boxtimes	Terminal disclaimer fee under 37 CFR 1.20(d) included (\$130.00).	

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:

Stevenson et al.

Examiner:

Sanders, Kriellion Antionette

Serial #:

10/709,578

Art Unit:

1714

Filing Date:

14 May 2004

Date:

24 September 2007

Title:

Phenol-Free Phosphites

MAIL STOP AMENDMENT AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

37 C.F.R. §1.132 Declaration

This Declaration by inventor Dr. Donald R. Stevenson is submitted in accordance with 37 C.F.R. §1.132.

I, Dr. Donald R. Stevenson, declare as follows:

- 1 I am a co-inventor of the technology described in United States Published Patent Application US 2004/0183054 A1 assigned to Dover Chemical Corporation and titled "Phosphite Ester Additive Compositions", Serial No. 10/709,510, filed on 11 May 2004, which is a continuation-in-part of patent application Serial No. 10/086,619 filed on 01 March 2002, which claims priority upon the following provisional patent applications, namely: Provisional Patent Application Serial No. 60/315,746 filed on 29 August 2001, Provisional Patent Application Serial No. 60,314,181 filed on 16 August 2001; and Provisional Patent Application Serial No. 60/273,303 filed on 02 March 2001 (the "Prior Invention").
- 2 I am also a co-inventor of the technology described in United States Published Patent Application US 2004/0180999 A1 assigned to Dover Chemical Corporation and titled "Phenol-Free Phosphites", Serial No. 10/709,578, filed on 14 May 2004 (the "Instant Invention").
- In responding to the pending office action, notably paragraph nos. 2, and 4-5 of the office action dated 05 April 2007, the Instant Invention was derived from my own previous work or work which I directed be undertaken under my direction, in the Prior Invention, and thus, is not the invention "by another."

Dover Chemical Corporation Stevenson et al.

S/N:10/709,578 24 September 2007 -2-

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon

Day Slevenson	9/24/07
Dr. Donald R. Stevenson	Date

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:

Stevenson et al.

Examiner

Sanders, Kriellion Antionette

Serial #:

10/709,578

Art Unit:

1714

Filing Date:

14 May 2004

Date:

24 September 2007

Title:

Phenol-Free Phosphites

MAIL STOP AMENDMENT AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

Petition for Late Claim to Priority

This Petition by the applicant's attorney, Louis F. Wagner is submitted in accordance with 37 C.F.R. §1.78(a)(2) and 37 C.F.R. §1.78(a)(5).

Enclosures Contained with this Petition

- 1. Declaration of applicant's attorney (Exhibit A); and
- 2. Application Data Sheet (Exhibit B).

Statement of Facts Involved

This pending U.S. patent application Serial Number 10/709,578 was filed on 14 May 2004 without any claim to priority. Through the most recent office action, the applicant's attorney has recognized the issues raised by the examiner, and now wishes to claim priority from an earlier filed application, which disclosed, but did not claim the subject matter of the instant invention. The first appreciation of this facet of the disclosure was through the substantive office action issued by examiner Kriellion Antionette Sanders.

- 1. The claim to priority identified in the instant application is made in a utility application filed after November 29, 2000.
- The claim to priority is being made outside of the time period of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application.
- 3. The claim to priority is being requested to be entered as stated in the amendment response filed on 24 September 2007
- 4. A Petition surcharge as identified under 37 C.F.R. §1.17(t) (\$1,370.00), namely the acceptance of an unintentionally delayed claim for priority, accompanies this Petition.

Dover Chemical Corporation Stevenson et al.

S/N:10/709,578 24 September 2007

.2-

5. The entire delay between the date of the claim was under under 37 C.F.R. §1.78(a)(2) and the date this claim is being filed was unintentional.

Subsequent Actions taken by Applicant's Attorney

Applicant's attorney is submitting herewith an Amendment in response to a pending office action received on the instant matter. The substance of the office action by Examiner Sanders has suggested that a properly filed terminal disclaimer in conjunction with a claim to priority to a commonly owned, previously filed patent application would permit various claims to be in a condition for allowance.

The applicant further submits an Application Data Sheet to further comply with the requirement (Exhibit B).

Points to be Reviewed

Applicant petitions for entry of the late claim to priority in this instant pending patent application.

Action Requested

Applicant petitions for entry of this late claim to priority and entry of the attached Application Data Sheet.

Buckingham, Doolittle & Burroughs, LLP 3800 Embassy Pkwy.
Akron, Ohio 44333
(330) 258-6453 (telephone)
(330) 252-5452 (fax)
Attorney Docket #: 47399.0037

Louis F. Wagner LWagner@bdblaw.com

Respectfully Submitted,

Buckingham, Doglittle & Burroughs, LLP

Registration No.: 35,730

EXHIBIT A

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

Applicant:

Stevenson et al.

Examiner

Sanders, Kriellion Antionette

Serial #:

10/709,578

Art Unit:

1714

Filing Date:

14 May 2004

Date:

24 September 2007

Title.

Phenol-Free Phosphites

MAIL STOP AMENDMENT AF Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

37 C.F.R. §1.132 Declaration

This Declaration by the applicant's attorney, Louis F. Wagner is submitted in accordance with 37 C.F.R. §1.132. I, Louis F. Wagner, declare as follows:

- 1. The claim to priority identified in the instant application is made in a utility application filed after November 29, 2000
- 2. The claim to priority is being made outside of the time period of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application.
- 3. The claim to priority is being requested to be entered as stated in the amendment response filed on 24 September 2007.
- 4. A Petition surcharge as identified under 37 C.F.R. §1.17(t) (\$1,370.00), namely the acceptance of an unintentionally delayed claim for priority, accompanies this Petition.
- The entire delay between the date of the claim was under under 37 C.F.R. §1.78(a)(2) and the date this claim is being filed was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application of any patent issued thereon.

Louis F. Wagner

Data

«AK3:904836_v\»

EXHIBIT B

PTO/SB/14 (02-07)
Approved for use through 02/28/2007 OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number

Annli	cation Da	ita Sheet 37	7 CED 4 76	Attorney	Docket	Number	DOV-18	8-US	
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Title of	Invention	Phenol-Free I	Phosphites	10,000					
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		ity •Inventor	OLegal R	epresentative	under 3	5 U.S.C 11	7 (Party of Interest under 35 U.S	S.C. 118
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Dr.	Donald			R.			Stever	nson	
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Addre	ss 2								4 -
City	Dover		ra en		St	tate/Provir	nce	ОН	
Postal	Code	44622			Countr	yi US			
Applic	ant 2	•					—		
	ant Author	ity • Inventor	OLegal R	epresentative	e under 3	35 U.S.C 11	7 (Party of Interest under 35 U.	S C 118
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Mr.	Duong			N.			Nguye		
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Postal	Code	44622	743		Countr	yi US			
Applic	ant 3								
Applic	ant Author	ity Inventor	OLegal R	tepresentative	e under 3	35 U.S.C 11	17	Party of Interest under 35 U	S.C 118
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Mr	Mark			E.	·····		Harr		
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Application Data	Attorney Docket Number		mber D	DOV-18-US			
Application Data	Sheet St CFR 1.76	Application Number					
Title of Invention Pl	nenol-Free Phosphites						
Citizenship under 37	CFR 1.41(b) i US		·				,,,
Mailing Address of A	applicant:						
Address 1	739 3rd Street, NW						
Address 2							
City New Philad	delphia		State	e/Province	OH		
Postal Code	44663	. 0	Country	US			
Applicant 4							
Applicant Authority	● Inventor	oresentative ı	under 35 L	J.S.C. 117	OParty of Int	terest under 35 U S	.C. 118
Prefix Given Name	M	iddle Name	9	F	amily Name		Suffix
Mr. Michael	R	1	The state of the s	J	akupca		
Residence Informat	ion (Select One) 💿 US	Residency	O No	n US Resid	ency (Active	US Military Service	е
City Canton	State	/Province	ОН	Country	of Residence i	US	
Citizenship under 37	CFR 1.41(b) i US						
Mailing Address of A	Applicant:						
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Address 2	· · · · · · · · · · · · · · · · · · ·	· · · · · · · · · · · · · · · · · · ·	tagin da sa				
City Canton			Stat	e/Provinc	e OH		
Postal Code	44709		Countryi	US			
	Be Listed - Additional I form by selecting the Add		ormation	blocks ma	ay be	AGG	
Correspondenc	e Information:						
Enter either Custom For further informat	er Number or complete ion see 37 CFR 1.33(a).	the Corres	spondenc	e Informa	tion section be	low.	
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Application Info	ormation:			- 7,2 4			
Title of the Inventior	n Phenol-Free Phosp	hites				7 To 100 Page 100 Pag	
Attorney Docket Nu	mber DOV-18-US		S	mall Entit	y Status Claime	ed 🗍	
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PTO/SB/14 (02-07)

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2001-03-02

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	DOV-18-US			
Αþ	Application Data Sheet 37 CFK 1.76		Application Number			
Title	Title of Invention Phenol-Free Phosphites					
Pub	lication Inform	mation:				
	Request Early Publication (Fee required at time of Request 37 CFR 1.219)					
	Request Not to Publish. I hereby request that the attached application not be published under 35 U.S.C. 122(b) and certify that the invention disclosed in the attached application has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing					
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Representative Information:

this information in the App Enter either Custome	lication Data Sheet does not on Number or complete	constitute a power of attorney in	r of attorney in the application. Providing the application (see 37 CFR 1 32). e section below. If both sections ring processing.
Please Select One:	Customer Number	US Patent Practitioner	US Representative (37 CFR 11.9)
Customer Number	24115		

This section allows for the applicant to claim benefit under 35 U.S.C. 119(e), 120, 121, or 365(c). Providing this information in the

Domestic Priority Information:

application data sheet constitutes the specific reference required by 35 U.S.C. 119(e) or 120, and 37 CFR 1.78(a)(2) or CFR 1.78(a) (4), and need not otherwise be made part of the specification Remove **Prior Application Status** Pending **Continuity Type** Filing Date (YYYY-MM-DD) **Application Number Prior Application Number** 10709578 Continuation in part of 10709510 2004-05-11 **Prior Application Status** Remove Patented Issue Date **Application** Filing Date **Prior Application Continuity Type** Patent Number (YYYY-MM-DD) (YYYY-MM-DD) Number Number 10709510 Continuation in part of 2001-03-01 10086619 6824711 2004-11-30 **Prior Application Status** Remove Abandoned **Application Number Continuity Type Prior Application Number** Filing Date (YYYY-MM-DD) 10086619 non provisional of 60315746 2001-08-29 **Prior Application Status** Eemove's Abandoned **Application Number Continuity Type Prior Application Number** Filing Date (YYYY-MM-DD) 10086619 non provisional of 60314181 2001-08-16 **Prior Application Status** Abandoned Remove **Application Number Continuity Type Prior Application Number** Filing Date (YYYY-MM-DD)

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Additional Domestic Priority Data may be generated within this form by selecting the Add button.

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PTO/SB/14 (02-07)

Approved for use through 02/28/2007 OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Application Data Sheet 37 CFR 1.76		Attorney Docket Number	DOV-18-US
		Application Number	
Title of Invention	Phenol-Free Phosphites		

Foreign Priority Information:

and 37 CFR 1.55(a).	on in the application data	sheet constitutes the claim for priority as require	d by 35 U.S.C. 119(b)
Application Number	Country 1	Parent Filing Date (YYYY-MM-DD)	Priority Claimed
			Yes No
Additional Foreign Priority Data Add button	may be generated with	hin this form by selecting the	

Assignee Information:

Providing this information in the application data sheet does not substitute for compliance with any requirement of part 3 of Title 37 of the CFR to have an assignment recorded in the Office.								
Assignee 1								
If the Assignee is an Organization check here.								
Organization Name	Dover Chemical Corporation	over Chemical Corporation						
Mailing Address Information:								
Address 1 3676 Davis Road, NW								
Address 2		**************************************	and the second s					
City	Dover		State/Province	ОН				
Country i US			Postal Code	44622				
Phone Number	·		Fax Number					
Email Address								
Additional Assignee Data may be generated within this form by selecting the Add button.								

Signature:

A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.							
Signature	Joens F	And the same of th		Date (YYYY-MM-DD)	2007-09-24		
First Name	Louis F.	Last Name	Wagner	Registration Number	35730		

This collection of information is required by 37 CFR 1.76. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 23 minutes to complete, including gathering, preparing, and submitting the completed application data sheet form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.